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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,476

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Robert L. Crook

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EXAMINER

CAMERON, ERMA C

ART UNIT

PAPER NUMBER

1715

MAIL DATE

DELIVERY MODE

05/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,476	Applicant(s) CROOK ET AL.	
	Examiner /Erma Cameron/	Art Unit 1715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-30 and 33-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-30 and 33-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 2, Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. “guar or natural gums for water-borne systems” is new matter that was not in the specification or claims as filed. See page 8 that specifies that pseudo plastic materials are used in water-borne systems.

The applicant is requested to cancel all new matter.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The rejection of Claims 22 and 28 under 35 U.S.C. 112, second paragraph, is withdrawn because of the amendment filed 5/18/2010.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12-30 and 34-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soddy (2416232).

‘232 teaches impregnating a felted fabric (1:34-2:26) with a butadiene resin emulsion, that also contains wetting agents (i.e. surfactant 8:55-64), a material such as natural gum (9:11-20), an acrylic resin as a stabilizing agent (i.e. antissettling agent 9:57-66), and other resins such as vinyl acetate (9:67-10:21). The fabric may be calendared (11:1-7; Example 1). The treated fabric may be heated above the softening point of the resin, causing the particles to flow and weld (12:15-37).

‘232 does not teach the size of the particles, but does state that the particles are “very fine” (12:1).

‘232 does not teach the polymer add-on amount or the amounts of the various components in the treating mixture, but it would have been obvious to one of ordinary skill in the art to have optimized the treating composition as the make-up of such a composition is known to be important to the eventual properties of the treated fabric.

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Response to Arguments

The applicant has argued that the felted article of '232 could not be a press felt. The examiner disagrees. It appears that the felted article of '232 could be used in any process that it is suitable for.

7. Claims 12-26, 34-36, 39-41 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davenport et al (6027615).

'615 teaches a belt for a paper machine that comprises a fibre batt needled to a base substrate, over which is applied a polymeric material, that may be in the form of powder, that is then heated and cured and fuses with the batt (5:22-6:21, Examples). The polymeric material may be polyurethane, which would be both the polymeric particles and the binder of claims 18-20 and 39 as well as the antisetling agent of claims 24-26 and 41. The viscosity is said to be 6000 or 9000 cps (see Examples). It would be expected that the viscosity is determined by addition of a viscosity modifier. The add on weights are not disclosed but it would have been obvious to one of ordinary skill in the art to have optimized the add on amount through no more than routine experimentation, as this is a parameter that will control the performance of the belt.

8: Claims 12-26, 30, 35-36, 39-41 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lydon et al (6648147)

'147 teaches a press felt (1:6-16) in which a fibrous batt substrate (4:34-40) is impregnated with a polymer that is then coagulated by heat (2:8-58), followed by calendering (3:1-14). The polymer is applied at 20-200 g/m³, and may be a polyamide (3:23-27). A polyamide would be both the polymeric particles and the binder of claims 18-20 and 39 and the anti-settling agent of claims 24-26 and 41. The viscosity is 300-1000 cp (2:40-45). It is expected that the viscosity is determined by a modifier. It is difficult to compare the add on amount with applicant's claimed amounts, as the units are different, but it appears that '147 would meet the limitations of add on amounts.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Erma Cameron/ whose telephone number is 571-272-1416. The examiner can normally be reached on 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erma Cameron/
Primary Examiner
Art Unit 1715

May 23, 2010